



Express Mail No.: EV 346 811 935 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis WOLEVER et al.

Confirmation No.: 8552

Application No.: 10/800,222

Group Art Unit: 1761

Filing Date: March 12, 2004

Examiner:

For: EDIBLE FAT-BASED SHELL FOR  
CONFECTIONERIES AND METHOD FOR  
PRODUCING SAME

Atty. Docket No.: 88265-7735

**POWER OF ATTORNEY  
STATEMENT UNDER 37 CFR 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

As shown by the attached copy of POWER OF ATTORNEY TO PROSECUTE APPLICATION BEFORE THE USPTO, the undersigned attorney of WINSTON & STRAWN LLP (Customer No. 28765) has been appointed to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

An assignment of the entire interest in the above-identified subject application:

- ☒ has been executed and a copy is submitted herewith.
- ☐ is submitted herewith for recording and a copy is attached.
- ☐ was submitted for recordation on \_\_\_\_\_ and a copy is attached.
- ☐ was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.


The undersigned attorney has reviewed this assignment and, to the best of his/her knowledge, and belief, the application is owned by the Assignee NESTEC S.A. and that he/she is empowered and authorized to act on their behalf..

Please direct all correspondence for this application to Customer No. 28765 to the attention of Patent Department (telephone 202-371-5904, facsimile 202-371-5950).

Respectfully submitted,

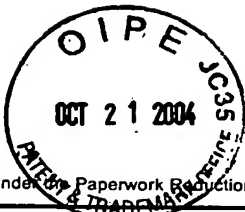
Date: \_\_\_\_\_

10/21/04

  
Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**  
**CUSTOMER NO. 28765**  
(212) 294-3311

Enclosures



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/80 (12-03)  
Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number:

28765

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

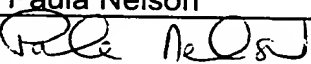
Assignee Name and Address:

Nestec S.A.  
Avenue Nestlé 55  
CH-1800 Vevey  
Switzerland

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Paula Nelson		
Signature		Date	24.02.04
Title	Vice President	Telephone	

SEND TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

## ASSIGNMENT

WHEREAS, each of

**Dennis Scott WOLEVER**, a citizen of the United States, residing at,  
19085 West Darby Road, Marysville, Ohio, 43040; and

**Michael Lee TALBOT**, a citizen of the United States, residing at,  
6104 Brigid's Close Drive, Dublin, Ohio, 43017

ASSIGNOR, is an inventor of the invention in **EDIBLE FAT-BASED SHELL FOR CONFECTIONERIES AND METHOD FOR PRODUCING SAME**, for which an application for a Patent of the United States, identified by Winston & Strawn Docket No. **88265-7735**

- ☒ is executed on even date herewith  
☐ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_.

WHEREAS, **NESTEC S.A.**, a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining each inventor's entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, his or her entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which

may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to convey the entire interest herein assigned, and that he or she has not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to him or her respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed his or her signature.

March 18, 2004  
Date

Dennis Scott WOLEVER  
Dennis Scott WOLEVER

STATE OF OHIO )  
COUNTY OF UNION )

On this 18<sup>th</sup> day of MARCH, 2004, before me, a Notary Public, personally appeared **Dennis WOLEVER**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Joseph Victor Jimenez  
Notary Public

no expiration  
My Commission Expires



JOSEPH VICTOR JIMENEZ  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

03-15-04

Date

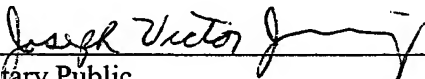
Michael Lee Talbot.

Michael Lee TALBOT

STATE OF OHIO )

COUNTY OF Union )

On this 15<sup>th</sup> day of MARCH, 2004, before me, a Notary Public, personally appeared **Michael TALBOT**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

  
Notary Public

no expiration  
My Commission Expires



JOSEPH VICTOR JIMENEZ  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

Légalisation voir au verso

./..



EXPRESS MAIL LIST

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The following items listed below are being filed herewith with the USPTO on October 21, 2004.

Express Mail No. <b>EV 346 811 935 US</b>			
Attorney Docket No.	Appln. Serial No./ Patent No.	Items - Documents filed on <u>October 21, 2004</u>	Patent Fees- Acct. #50- 1814
88265-7735	10/800,222	Response to Notice to file Missing Parts of Non-Provisional Application; Copy of Notice; Executed Inventors Declaration (2 pages); Copy of Application; Executed Power of Attorney to Prosecute Application before the USPTO with Statement Under 37 CFR 3.73 (b) and copy of assignment .	\$130.00 (Missing Parts)  \$40.00 (Assignment)

*Please acknowledge receipt of these items as received by returning  
the enclosed postcards with the date of receipt of October 21, 2004*

NY:904163.1